

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE KINGATE MANAGEMENT
LIMITED LITIGATION**

This Document Relates To: All Actions

Master File No. 09 Civ. 5386 (DAB)

**DECLARATION OF
CHARLES SEBAH**

1. I, Charles Sebah, am a defendant in the above-captioned action (the “Litigation”). I make this Declaration in support of my motion to dismiss the Litigation for lack of personal jurisdiction. I have personal knowledge of the facts set forth in this Declaration.

2. I was a director of the Kingate Global Fund, an investment fund in the British Virgin Islands, from 1995 until I resigned in April, 2006.

3. From 2000 until I resigned in April, 2006, I was a director of the Kingate Euro Fund, which is also an investment fund in the British Virgin Islands.

4. I am a citizen of France, and I reside in Paris, France. I was born in Morocco, and have spent most of my adult life in France.

5. I have never been a citizen of the United States.

6. I have never lived in, had a residence in, or had a domicile in New York (or anywhere else in the United States).

7. I have never owned, leased or possessed any real property in New York (or anywhere else in the United States).

8. I have never maintained an office or place of business in New York (or anywhere else in the United States).

9. I have never had a mailing address in New York (or anywhere else in the United States).

10. I have never had a telephone number in New York (or anywhere else in the United States).

11. I have traveled to New York on at six to eight occasions in the past ten years. Approximately half of these visits were for personal reasons, to visit my son or for a vacation. The rest were brief visits for business-related reasons, none in connection with the Kingate Funds. These visits each involved no more than 7 days in New York.

12. In the event that I should need to write a personal check from a United States bank, I have a checking account at J.P. Morgan Chase Bank through a New York branch in which I keep less than \$200. I have used this account so rarely that I cannot recall when I last used it.

13. I have never traveled to New York (or anywhere else in the United States) in connection with my role as a director of either the Kingate Global Fund or the Kingate Euro Fund. Likewise, I have never made or joined any telephone call placed to New York (or anywhere else in the United States) involving either Fund.

14. I have never solicited investors or businesses in New York (or anywhere else in the United States) in connection with my role as a director of either the Kingate Global Fund or the Kingate Euro Fund, or directed any communications, oral or written, to any businesses or residents of New York (or anywhere else in the United States) in connection with either of the Funds.

15. I understand that the plaintiffs in this case have alleged that all of the defendants, including me, were paid fees based on the Funds' returns. However, I never received any such compensation. The only compensation I ever received from the Funds was upon my resignation in April, 2006, when I was paid a flat fee of \$50,000 by the Kingate Global Fund, and a flat fee of €30,000 by the Kingate Euro Fund.

16. I have never met Bernard Madoff.

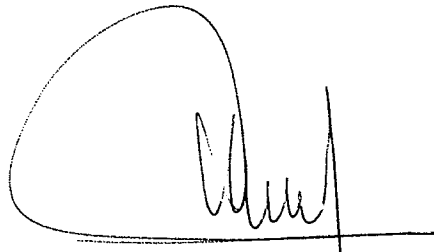
17. I have never spoken with or otherwise communicated with Bernard Madoff.

18. To the best of my knowledge, I have never met any employee of Bernard Madoff Investment Services.

19. To the best of my knowledge, I have never spoken with or otherwise communicated with any employees of Bernard Madoff Investment Services.

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 9, 2010, in Paris, France



Charles Sebah